

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>TYRELL KNIGHT,</b>  <div style="text-align: center;"><b>Plaintiff,</b></div> <div style="text-align: center;"><b>vs.</b></div> <b>OFFICER MERRILL,</b>  <div style="text-align: center;"><b>Defendant.</b></div>	) ) ) ) ) ) ) ) ) ) )	<b>4:04cv3383</b>  <b>AMENDED ORDER SETTING SCHEDULE FOR PROGRESSION OF CASE</b>
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This matter is before the court on filing no. 71, the Motion to Alter Dates filed by the plaintiff, Tyrell Knight. The plaintiff requests a new deadline for the submission of motions for summary judgment. The plaintiff's motion is granted, as set forth below. In addition, to narrow the issues in this case, both parties will be ordered to file motions for summary judgment.

Also before the court are filing no. 67, the plaintiff's Motion to Compel; filing no. 68, the plaintiff's Motion for Copy of Complaint and Amended Complaint; and filing no. 79, the plaintiff's Motion for Writ of Habeas Corpus ad Testificandum. In his Motion to Compel the plaintiff does not move to compel responses to any specific discovery requests; he just wants the attorney for the defendant "to do a better job." Filing no. 67 is denied. Filing no. 68, the plaintiff's Motion for Copy of Complaint and Amended Complaint, is granted, and the Clerk of Court shall send the plaintiff a copy of filing nos. 1 and 7, without cost, as well as a current docket sheet. Filing no. 79 is granted in part and denied in part. When the time comes to subpoena witnesses for trial, the court will issue the requested writ for the appearance of the plaintiff's witness. However, this is not that time.

**IT IS ORDERED:**

1. That filing no. 67, the plaintiff's Motion to Compel, is denied;
2. That filing no. 68, the plaintiff's Motion for Copy of Complaint and Amended Complaint, is granted, and the Clerk of Court shall send the plaintiff a copy of filing nos. 1 and 7, without cost, as well as a current docket sheet;
3. That filing no. 71, the plaintiff's Motion to Alter Dates, is granted;

4. That **both** parties shall file properly supported motions for summary judgment by **August 1, 2006**;

5. That filing no. 79, the plaintiff's Motion for Writ of Habeas Corpus ad Testificandum, is granted in part and denied in part, as follows: When the time comes to subpoena witnesses for trial, the court will issue the requested writ for the appearance of the plaintiff's witness; however, this is not that time, and so the motion is denied at this time, without prejudice, as premature; and

6. That the trial of this matter will be set by further order of the court, if appropriate, after resolution of the parties' cross-motions for summary judgment..

**DATED April 5, 2006.**

**BY THE COURT:**

s/ F.A. Gossett  
**United States Magistrate Judge**